

Notice of Allowability

Application No.

10/519,545

Examiner

Michele K. Joice, Ph.D.

Applicant(s)

SAHARA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/17/07.
2. ☒ The allowed claim(s) is/are 1,3-10 and 13-49.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20071106</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Bent on November 5, 2007.

An extension of time under 37 CFR 1.136(a) is required to place this application in condition for allowance. During a telephone conversation conducted on November 10, 2007, Stephen Bent requested an extension of time for 2 MONTH(S) and authorized the Director to charge Deposit Account No. 19-0741 the required fee of \$450.00 for this extension.

In the claims:

4. (Amended) The expression vector according to claim 3, ~~characterized by~~ comprising a foreign gene or foreign DNA fragment downstream of said DNA fragment.
7. (Amended) A method for producing a protein, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 5 at the decreased temperature.
9. (Amended) A method for regulating RNA production, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 5 at the decreased temperature.
15. (Amended) A method for producing a protein, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 6 at the decreased temperature.

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17. (Amended) A method for regulating RNA production, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 6 at the decreased temperature.

19. (Previously Presented) A method for producing a protein, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 13 at the decreased temperature.

21. (Amended) A method for regulating RNA production, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 13 at the decreased temperature.

23. (Amended) A method for producing a protein, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 14 at the decreased temperature.

25. (Amended) A method for regulating RNA production, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 14 at the decreased temperature.

29. (Amended) The expression vector according to claim 28, ~~characterized by~~ comprising a foreign gene or foreign DNA fragment downstream of said DNA fragment.

32. (Amended) A method for producing a protein, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 30 at the decreased temperature.

34. (Amended) A method for regulating RNA production, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 30 at the decreased temperature.

38. (Amended) A method for producing a protein, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 31 at the decreased temperature.

40. (Amended) A method for regulating RNA production, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 31 at the decreased temperature.

42. (Amended) A method for producing a protein, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 36 at the decreased temperature.

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44. (Amended) A method for regulating RNA production, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 36 at the decreased temperature.

46. (Amended) A method for producing a protein, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 37 at the decreased temperature.

48. (Amended) A method for regulating RNA production, ~~characterized by~~ comprising decreasing a culture temperature and culturing the transformant according to claim 37 at the decreased temperature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele K. Joike, Ph.D. whose telephone number is 571-272-5915. The examiner can normally be reached on M-F, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michele K Joike, Ph.D.
Examiner
Art Unit 1636


DAVID GUZO
PRIMARY EXAMINER